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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,771	12/20/2001	Jozef Cornelis Walterus Van Vroonhoven	NL 000726	4303
24737	7590	10/21/2003	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			QUARTERMAN, KEVIN J	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

10/024,771

Applicant(s)

VAN VROONHOVEN ET AL.

Examiner

Kevin Quarterman

Art Unit

2879

-- Th MAILING DATE of this communication appears on the cov r sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003 .
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \*   c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other:

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's Amendment A, filed 05 August 2003, has been entered and overcomes the objection to the drawings.

### ***Claim Objections***

2. Claim 8 is objected to because of the following informality: The claim recites, "A second kink is produced in the area around *that* the focus lens parts." It appears that the term "that" should be removed from the claim for clarity. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 14 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Newly added claim 14 recites "the pre-focusing grid is biased such that positive ions do not reach the cathode for generating the green electron beam." This recitation is considered to be new matter, since it was not described in the specification in such a way as to reasonably convey that the inventors, at the time the application was filed, had possession of the claimed invention.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen (US 6479937).

7. Regarding independent claim 1, Figure 5 of Chen shows a cathode ray tube having a longitudinal axis, a phosphor screen (76), and an electron gun (106) arranged around the longitudinal axis, wherein the electron gun comprises a triode part having three cathodes (108, 110, 112) for generating a red electron beam, a green electron beam, and a blue electron beam, a pre-focusing grid (118), and a focus lens part having at least two common grids (120, 122) arranged transversely to the longitudinal axis, wherein the cathode for generating the green electron beam is offset from the longitudinal axis. The Examiner notes that the recitation that “the trajectory of the green electron beam has a kink adjacent the pre-focusing grid” functional language that does not constitute a limitation in any patentable sense. Apparatus claims covers what a device is, not what a device does (MPEP § 2114[R-1]). Thus, the device of Chen inherently possesses the ability to the trajectory of the green electron beam with a kink

adjacent the pre-focusing grid, since there is no structural difference between the claimed device and that of Chen.

8. Regarding claim 2, Figures 5-10 of Chen show the green cathode lying in one plane with the red and blue cathode, the plane including the longitudinal axis.

9. Regarding claim 3, Figures 5-10 of Chen show that the green cathode lies in one plane with the red and blue cathode, the plane being parallel to, and spaced apart from, the longitudinal axis.

10. Regarding claim 4, Figures 5-10 of Chen show that the red and the blue cathode lie in one plane, and that the green cathode is spaced apart from the plane.

11. Regarding claim 5, Figures 5-10 of Chen show that the plane is parallel to, and spaced apart from, the longitudinal axis.

12. Regarding claims 6-9, the Examiner notes that the focus lens parts of Chen inherently possesses the ability to provide a kink in the trajectory of the green electron beam in the area around the pre-focusing grid and the focus lens parts, since there is no structural difference between the claimed device and that of Chen.

13. Regarding newly added independent claim 10, Figure 5 of Chen shows the corresponding claim limitations of independent claim 1, as discussed earlier in the office action. Figure 5 of Chen also shows a common grid (116) disposed between the three cathodes and the pre-focusing grid.

14. Regarding newly added claims 11-14, the Examiner notes that the device of Chen inherently possesses the ability to generate a kink in the trajectory of the green

electron beam adjacent the common grid passing through the focus lens, since there is no structural difference between the claimed device and that of Chen.

15. Regarding newly added claim 15, Figure 11 of Chen shows the three cathodes lying in the same plane.

16. Regarding newly added claim 16, Figures 5-10 of Chen show the cathode for producing the green beam not coplanar with the cathodes for producing the red and blue beams.

### ***Response to Arguments***

17. Applicant's arguments filed 05 August 2003 have been fully considered but they are not persuasive.

18. In response to applicant's argument that the electron beams in the device of Chen are not shown as or described as being kinked, the Examiner holds that the trajectory of the electron beams is functional language that describes the action of the electron beam once generated by the cathodes. Since there is no structural difference between the claimed apparatus to that of the invention of Chen, the device of Chen inherently possesses the functional characteristics claimed in the instant patent application.

### ***Conclusion***

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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20. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quarterman whose telephone number is (703) 308-6546. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703) 305-4794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Kevin Quarterman  
Examiner  
Art Unit 2879

kq   
October 18, 2003



**Nimesh Patel**  
**Supervisory Patent Examiner**  
**Art Unit 2879**